



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5206 OF 2024**

Tulshiram Babu Patil and Ors. ... Petitioners
versus
Parshuram Savlaram Patil and Ors. ... Respondents

Mr. Abhishek Matkar with Mr. Tushar More i/by Ms. Vaishnavi Gujrathi, for
Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 23 JANUARY 2025

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The Petitioners in the written statement have made a counter claim of declaration that the Plaintiffs have committed encroachment over the Defendant's property.
3. The learned Civil Judge was of the view that since the Petitioners/defendants have not specifically prayed for consequential relief, the additional issue proposed by the Defendants was not required to be framed.
4. Issue requires consideration.
5. Issue notice to the Respondents, returnable on 27 February 2025.
6. In addition to the notice through Court, the Petitioners are at liberty to serve the Respondents by private service and file an affidavit of service.

(N.J.JAMADAR, J.)